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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,877	08/28/2000	Christopher K. Williams	5169.00001	7537
7590	02/12/2004		EXAMINER	
Banner & Witcoff Ltd 1001 G Street N W Washington, DC 20001			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,877

Applicant(s)

WILLIAMS ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 12 December 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-67 is/are pending in the application.

4a) Of the above claim(s) 2-19, 25-40, 42-56 and 62-67 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,20-24, 41 and 51-61 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4, 5, 6.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 20, 41 and 57 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Universal News Services, entitled "Ambalink Launches Secure Online Shopping in the UK", 8 June 1999.

As per claims 1, 20, 41 and 57, the Ambalink system discloses all the claimed features, particularly, a method of conducting a transaction between a consumer, a merchant computer, and a billing computer connected together over a computer network, wherein the consumer purchases a product or service from the merchant computer by charging the value of the product or service to a consumer billing account.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system as applied to claims 1, 20, 41 and 57 above and further in view of Joao et al (US Patent No. 6,529,725).

The Ambalink system has been discussed above. As per claims 21 and 58, aggregating the multiplicity of transactions and charging the aggregated multiplicity of transactions to the consumer billing account upon the occurrence of a specified event is not specifically stated in the Ambalink reference. Such a feature is interpreted as allowing a number of transactions below a preset allowable limit to take place. Applicant is directed to column 17, line 37 to column 18, line 21 of Joao et al. Here, in the system of Joao et al, the specified event may be the days during which a type of transaction is permitted. Providing such a feature in the combination of Joao et al and the Ambalink system would have been obvious to one of ordinary skill in the art in order to control the spending limit of a particular customer.

As per claims 22-24 and 59-61, the Ambalink system has been discussed above. It is not explicitly stated the Ambalink system discloses charging those of the multiplicity of transactions that meet predetermined criteria to the consumer billing account. Joao et al discloses a system and method for approving customer's transactions. Upon the detecting of the occurrence of a transaction, a central computer receives transaction data, assessing the types of transactions and transactions limits and notifies a user or owner of the transaction card before approving or denying the transactions. Applicant is directed to the abstract of Joao et al. Steps or means of aggregating those of the multiplicity of transactions that do not meet predetermined criteria is taught on column 17, lines 37-65. Charging the aggregated transactions to the consumer billing

account upon the occurrence of a specified event is not explicitly stated in Joao et al. The Examiner asserts that such would have been obvious to one of ordinary skill in the art to note especially if the customer's charged account has been increased or if the preset limit or funds available to use has been increased by a financial institution. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these features in the combination of the Ambalink and Joao et al in order to clear a customer's transaction by giving the customer an over the limit credit thereby making the system an attractive system.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP  
December 11, 2003

*F. Poinvil*  
FRANTZY POINVIL,  
PRIMARY EXAMINER  
AU 3628